

of the sapindas as should be sufficient to support the inference that the adoption was made by the widow, not from capricious or corrupt motives, or in order to defeat the interest of this or that sapinda, but upon a fair consideration, by what may be called a family council, of the expediency of substituting an heir by adoption to the deceased husband. If that be so, there seems to be every reason to suppose that in the present case there was such a consideration, both on the part of the widow and on the part of the sapindas; and their Lordships think that in such a case it must be presumed that she acted from the proper motives which ought to actuate a Hindu female, and that, at all events, such presumption should be made until the contrary is shown.

Therefore it seems to their Lordships that on neither ground can it be said that this adoption was not consonant to law, and they must humbly advise Her Majesty to allow the present appeal, to reverse the decision of the High Court, and to affirm the decision of the Lower Court, with the costs of appeal in the High Court. They think the Appellant ought also to have costs of this appeal.

Agents for the Appellant: Messrs. *Shaan, Roscoe and Massey.*

Agents for the Respondents: Messrs. *Gregory, Rowcliffes and Rawle.*

1876.  
November 3.

VELLANKI  
VENKATA  
KRISHNA  
RA'O  
"  
VENKATA  
RA'MA  
LAKSHMI.

## JURISDICTION AS COURT OF REVISION.

*Before Sir W. Morgan, C.J., Mr. Justice Holloway, Mr. Justice Innes, and Mr. Justice Kindersley.*

PROCEEDINGS, 28TH NOVEMBER 1876.

REG: v. MUTHAVAN AND FOUR OTHERS.

*Criminal Procedure Code, sec. 188.*

The offences of enticing away a married woman with a criminal intent and of criminal breach of trust are not offences which may lawfully be compounded.

1876.  
November 28.

UPON a reference, by the District Magistrate of Tinnevely, of the Proceedings of the 2nd-class Magistrate of Tuticorin in Cases Nos. 275 and 277 of 1876, Counsel not appearing,

1876.  
November 28.

REG.  
v.  
MUTHAVAN.

The High Court passed the following  
RULING.—In the cases reported the 2nd-class Magistrate has allowed prosecutions for the offences of enticing away a married woman with intent to have illicit intercourse, and of criminal breach of trust, respectively, to be withdrawn under Section 188 of the Code of Criminal Procedure.

The District Magistrate submits that the offences in question are not offences which may lawfully be compounded. The High Court agree that the offences of enticing away a married woman with a criminal intent and of criminal breach of trust are not offences which may lawfully be compounded. The circumstances of the cases brought to notice are, however, such as to render active interference on the part of the High Court unnecessary.

[Upon the general question of what offences may be lawfully compounded see *Reg. v. Rahimat*, I.L.R., 1 Bom., 147 (Full Bench) and note.]

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## APPELLATE JURISDICTION.

*Before Sir W. Morgan, C. J., and Mr. Justice Innes.*

KRISHNAREDDI GOVINDAREDDI AND THREE OTHERS  
(PLAINTIFFS) SPECIAL APPELLANTS, *v.* STUART AND  
FOUR OTHERS (DEFENDANTS) SPECIAL RESPONDENTS (1).

*Act XXVIII of 1860, Section 25—Power of Government to extend time for appeal.*

1877.  
January 11.

The proviso contained in Section 25 of Act XXVIII of 1860 gives a discretionary power to the Government of extending the time for appeal by suit at all times even *after* the expiry of the period limited.

PLAINTIFFS, inhabitants of the village of Atlúr, brought this suit for the cancellation of an order passed by the 1st defendant in his capacity as Deputy Director of Revenue Settlement, on the 10th February 1873, in the matter of a boundary dispute between the said plaintiffs and the defendants 2 to 5, inhabitants of the village of Kondúr, and for the removal of the boundary marks

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(1) Special Appeal No. 818 of 1876 against the decree of J. H. Nelson, District Judge of Cuddapah, dated 22nd September 1873, reversing the decree of S. R. Dawes, Subordinate Judge of Cuddapah, dated 31st March 1876.